

REMARKS

Claim 1 is amended to include the limitations of claim 3, which is now canceled, and claims 3, 4, 11, and 12 are canceled without prejudice. Claim 2 is amended to correct typographical errors and not for purposes of patentability. Claims 13 and 18 are amended to include limitations similar to those of claim 1. Claims 1-2 and 5-10, and 13-18 remain for consideration and are thought to be in condition for allowance.

The Office Action does not establish that claims 1-5, 13-14 and 18 are unpatentable under 35 USC §103(a) over "Seeley" (U.S. Patent No. 6,097,429 to Seeley et al.) in view of "Filor" (U.S. Patent No. 5,844,609 to Filor et al.). The rejection is respectfully traversed because the Office Action fails to show that all the limitations are suggested by the references.

The limitations of claim 1 include a selector circuit coupled to the processor and having a plurality of output ports and input ports arranged for connection to the plurality of video data channels. The selector circuit is configured and arranged to select digital video data received at a first data rate from a subset of the channels responsive to an input selection signal from the processor and provide selected digital video data at the output ports at a second data rate that is half the first data rate. These limitations are not shown to be suggested by Seeley.

The Office Action alleges that "the fact that the output data rate is half that of the input data rate is met by the inherent operation of a MUX, which takes video in at an adjustable rate and outputs it at a different rate (commonly half that of the input rate..." Contrary to this assertion, the cited teachings of Seeley suggest that the cameras adjust the frame rate, and there is no apparent adjustment of a data rate by Seeley's SCU. Since Seeley's SCU is cited as corresponding to the claimed selector circuit, and Seeley's SCU is not shown to output the data at half the rate of the input data, the Office Action fails to show that Seeley suggests the limitations.

Furthermore, the Office Action fails to show that the limitations are inherent. The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic. *In re Rijckaert*, 9 F.3d 1531, 1534, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993); "To establish

inherency, the extrinsic evidence 'must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.' " *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999) (citations omitted). "In relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art." *Ex parte Levy*, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990) (emphasis in original) (MPEP 2112). Therefore, the Office Action does not establish that the limitations are inherent in Seeley.

As to claim 2, the Office Action fails to show that the Seeley-Filor combination suggests the limitations. Seeley's vide compressor 50 and teachings at col. 10, l. 44-47 and at col. 12, l. 51 are alleged to suggest the limitations of each data router being configurable to compress the input video data at a selectable compression level. However, there is no apparent mention in the cited teachings of the compression level being selectable. The cited teachings imply that Seeley's compression level is fixed according to a frame rate "with as good a quality as permissible by the communication channel bandwidth and the requisite compression required" (col. 12, l. 49-51). Seeley's col. 10, l. 44-47 describes the adjustable frame rate provided by the cameras. Thus, there is no apparent suggestion of the compression level being selectable in combination with the other claim limitations.

The limitations of claim 3, which is now canceled, are now in amended claim 1, and the Office Action fails to show that the Seeley-Filor combination suggests these limitations. The limitations include the data routers being configurable for operation in a first mode or a second mode. A single data router processes video data from a single channel of video data while operating in the first mode, and in the second mode a first data router processes a first half of the pixel data of a frame and a second data router processes a second half of the pixel data of the frame. The Examiner alleges Official Notice of these limitations. However, the Official Notice ignores the limitations that the data routers are configurable to operate in either of the first or second modes, which would allow two data routers to process to

channels of video data or two data routers to process a single channel of video data. This configurability is not understood to be well-known in the art, nor has the Examiner addressed these limitations. Therefore, the Official Notice is traversed, and if the rejection is maintained Applicants request citation to prior art that shows all the limitations so that the matter may be further addressed.

Claim 5 depends from claim 1 and is not shown to be unpatentable for at least the reasons set forth above.

Claims 13 and 18 are amended to include limitations similar to those of claim 1, and claim 14 includes limitations similar to those of claim 2. Therefore, claims 13, 14, and 18 are not shown to be unpatentable over the Seeley-Filor combination for at least the reasons set forth above.

The rejection of claims 1-5, 13-14 and 18 over the Seeley-Filor combination should be withdrawn because the Office Action fails to show all the limitations are suggested by the combination.

The Office Action does not establish that claims 6-12 and 15-17 are unpatentable under 35 USC §103(a) over the Seeley-Filor combination, further view of "Voit" (U.S. Patent No. 5,751,707 to Voit et al.). The rejection is respectfully traversed because the Office Action fails to show that all the limitations are suggested by the references and fails to provide a proper motivation for modifying the teachings of Seeley with teachings of Filor and Voit.

Claim 6 depends from claim 1 and claim 8 depends from claim 6, and the limitations are not shown to be suggested for at least the reasons set forth above.

Claim 7 includes limitations of first-level priority graphics data that takes precedence for display over the graphics data of the first memory and over the video data. These limitations are not shown to be suggested by Voit. The cited teachings of Voit suggest "five different planes of video information, four of which can be active at any one time, to produce the composite video frame output signals. The individual planes comprise the decoded MPEG video frames, a cursor, two graphics/text image planes manipulated by the microprocessor 110 and a backdrop plane." The combining of the planes does not suggest any priority of the graphics data relative to other graphics data. Further explanation is requested if the rejection is maintained. Otherwise, the rejection should be withdrawn.

Claim 9 includes limitations of a blink-translation circuit coupled to the first memory and to the pixel selector, wherein the blink-translation circuit is configured and arranged to selectively replace an input pixel value with a configurable pixel value at a configurable interval. None of the cited portions of Voit contain any apparent mention of any circuitry for selectively replacing an input pixel value with a configurable pixel value at a configurable interval. Applicant's respectfully request a citation to specific elements of Voit thought to correspond to these limitations so that the matter may be further addressed. Otherwise, the rejection should be withdrawn.

The alleged motivation for combining Voit with the Seeley-Filor combination is unsupported by evidence and improper. The alleged motivation states "that it would have been obvious ... to include this overlay functionality into the workstation of Seeley, in order to provide for standard OSD and CC functionality in a more enhanced system." However, no evidence is presented to indicate any circumstances or desirability for modifying the Seeley-Filor combination. Furthermore, it is not apparent from Voit what "OSD" means. "CC" is presumed to refer to "closed captioning.". Since no evidence is presented to support the alleged combination, the alleged motivation is improper.

Claim 10 includes limitations similar to those of claim 2 and is not shown to be unpatentable for at least the reasons set forth above.

Claim 11 and 12 are canceled and the rejection is now moot.

Claims 14-17 include limitations similar to those discussed above for claims 6-9. Therefore, claims 14-17 are not shown to be unpatentable for at least the reasons set forth above.

The rejection of claims 6-12 and 15-17 over the Seeley-Filor-Voit combination should be withdrawn because the Office Action fails to show all the limitations are suggested by the combination and fails to provide a proper motivation for combining the references.

Withdrawal of the rejections and reconsideration of the claims are respectfully requested in view of the remarks set forth above. No extension of time is believed to be necessary for consideration of this response. However, if an extension of time is required, please consider this a petition for a sufficient number of months for consideration of this response. If there are any additional fees in connection with this response, please charge Deposit Account No. 50-0996 (LMCO.004PA).

Respectfully submitted,

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